

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 5:06-cr-43 (DCB) (LRA)

DENNIE E. PRIDEMORE

DEFENDANT

ORDER

This cause is before the Court on the defendant Dennie E. Pridemore's motion for correction of sentence pursuant to Fed.R.CrimP. 35(a) (**docket entry 25**). After careful consideration of the motion as well as the record in this case, the Court finds as follows:

The Court has no authority under Rule 35(a) to correct a sentence under these circumstances. Pridemore was sentenced on February 7, 2008, and his Judgment was entered on February 21, 2008. The motion to correct sentence was filed on October 28, 2009. Under Rule 35(a), "[w]ithin 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error." Fed.R.Crim.P. 35(a)(eff. Dec. 1, 2009). At the time the defendant was sentenced, the version of Rule 35(a) then in effect provided the defendant 7 days to file his motion. In any event, the Court does not have jurisdiction to reduce the defendant's sentence under Rule 35(a), the time frame under the rule having long passed. See United States v. Lopez, 26 F.3d 512, 519 n.8 (5th Cir. 1994)(time limit imposed by Rule 35

constitutes a jurisdictional restraint on the district court's power to alter sentence and is strictly construed). Accordingly,

IT IS HEREBY ORDERED that the defendant Dennie E. Pridemore's motion for correction of sentence pursuant to Fed.R.CrimP. 35(a) (**docket entry 25**) is DENIED.

SO ORDERED, this the 13th day of April, 2010.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE